

REMARKS

By the above amendment, the specification has been amended to set forth the feature of a temperature controller, which is inherently described in the specification. For example, as described in the paragraph bridging pages 15 and 16 of the specification, a jacket 103 for controlling the temperature of the inner surface of the side wall 102 of the processing chamber 100 is provided and a heat exchanging medium is circulated and supplied into the jacket 103 from a heat exchanging medium supply means 104 so as to control the temperature. The temperature of the jacket is controlled with the accuracy of less than $\pm 10^{\circ}\text{C}$ within a range from 0°C to 100°C , desirably from 20°C to 80°C , and by the present amendment, as is apparent from the disclosure, the specification has been amended to recite the feature that the temperature of the jacket is controlled by a temperature controller which is not shown in the drawings. Furthermore, the specification in the paragraph bridging pages 21 and 22 of the specification describes the fact that the inventors have found that when the inner wall surface temperature in the reactor is controlled to a constant temperature which is sufficiently lower than the temperature (about 100°C) of a wafer with the accuracy of less than $\pm 10^{\circ}\text{C}$ within a range from 25°C to 80°C , a strong coating film is formed on the inner wall surface, and by the present amendment, the specification has been amended to further recite the feature that the temperature is controlled by a temperature controller, which is not shown in the drawings, which feature is inherently described in the specification. Additionally, page 28 has also been amended to recite the feature that the temperature control of the ring is effected by a temperature controller which is not shown in the drawings.

Reference is made to the decision of In re Smythe and Shamos, 178 USPQ 279 (CCPA 1973) which points out that by disclosing in a patent application a device that inherently performs the function, operates according to a theory, or has an advantage, patent applicant necessarily discloses that function, theory or advantage even though he says nothing concerning it and the application may later be amended to recite the function, theory, or advantage without introducing prohibited new matter. Thus, it is apparent that a temperature controller is utilized to control the temperature in the manner disclosed, and by the present amendment, the specification has been amended to recite a temperature controller, even though such temperature controller is not illustrated in the drawings. If required by the Examiner, applicants are agreeable to amending the drawings to show a box labeled temperature controller for effecting the control as described. Thus, applicants submit that the amendment of the specification is supported by the application, as originally filed, and the amendment does not raise the issue of new matter.

With regard to the objection to claim 105 with regard to the informality that the word "for" appears at the end of line 13 of the claim, and the Examiner's indication that such word "for" should be deleted at the end of line 13, by the present amendment, claim 105 has been amended in the manner suggested by the Examiner, such that the objection thereto should now be overcome.

As to the rejection of claims 105-119 under 35 USC 112, first paragraph, and the rejection of claims 105-119 under 35 USC 112, second paragraph, such rejections are traversed insofar as they are applicable to the claims and specification, as amended. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

In setting forth the rejection under 35 USC 112, first paragraph, the Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. More particularly, the Examiner indicates that the specification, as originally filed, does not provide support for the limitation of "... a temperature control means for controlling the temperature of the side wall member to be lower than a temperature of the sample and controls the temperature of the upper member to be higher than the temperature of the sample ...". As noted above, by the present amendment, the specification has been amended in the paragraph bridging pages 15 and 16 of the specification and the paragraph bridging pages 21 and 22 of the specification, and page 28 of the specification to recite the feature of a temperature controller, which is not shown in the drawing. As described, a temperature controller controls the inner wall surface temperature of the side wall of the processing chamber to a constant temperature which is sufficiently lower than the temperature of the wafer, which temperature of the wafer is about 100°C, with the temperature of the side wall being controlled in a range of about 20°C to 80°C. In this regard, page 19, lines 8 and 9 indicate that the temperature of the wafer is controlled within a range from 100°C to 110°C at its maximum. Furthermore, the specification at page 28 has been amended to indicate that the whole ring can be heated almost within a range from 100°C to 250°C desirably from 150°C to 200°C under control of a temperature controller which is not shown in the drawing, recognizing that such heating in a range of 150°C to 200°C is above the temperature of the wafer or sample. Thus, applicants note that the specification now clearly describes "a temperature control means", as claimed. In this regard, reference is made to the

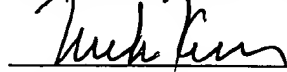
decision of In re Wright, 9 USPW 2d 1649 which points out that the invention claimed does not have to be described in *ipsis verbis* in order to satisfy the description requirement of §112. Thus, applicants submit that by the present amendment, the rejection of claims 105-119 under 35 USC 112, first paragraph, should now be overcome.

With regard to the rejection under 35 USC 112, second paragraph, the Examiner indicates that it is unclear what is the temperature control means, since it appears that no such means are disclosed in the specification. As pointed out above, the specification clearly describes the manner in which the temperature is controlled, and now refers to a temperature controller, such that applicants submit that the rejection of the claims under 35 USC 112, second paragraph, should now be overcome.

Since the only rejection of the claims is based upon 35 USC 112, first and second paragraphs, and such rejections have been overcome, as pointed out above, applicants submit that claims 105-119 should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (520.34403CV4) and please credit any excess fees to such deposit account.

Respectfully submitted,



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